

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE MEDTRONIC, INC.
SPRINT FIDELIS LEADS PRODUCTS
LIABILITY LITIGATION

This documents relates to:
Creighton v. Medtronic, Inc. et al.
10-cv-04325

MDL NO. 08-1905 (RHK/JSM)

**ORDER GRANTING PLAINTIFFS'
LEAD COUNSEL'S AMENDED
MOTION TO DISMISS AND TO
SEVER, AND SUGGESTION OF
REMAND**

Upon consideration of Plaintiffs' Lead Counsel's Amended Motion to Dismiss (Doc. No. 11), and based on all the files, records and proceedings herein, **IT IS ORDERED** that the Motion is **GRANTED**. Pursuant to the Master Settlement Agreement and Federal Rule of Civil Procedure Rule 41(a), the claims of Plaintiff Robert Creighton in the action styled Creighton v. Medtronic, Inc. et al., Civ. No. 10-cv-04325, against Medtronic, Inc. and Medtronic USA, Inc. are **DISMISSED WITH PREJUDICE**. The Court having expressly determined that there is no just reason for delay for entering judgment as to the dismissed claims, **LET JUDGMENT BE ENTERED ACCORDINGLY** as to those claims.

The Court believes that the remaining claims against non-Medtronic Defendant, Florin Deger, M.D., should be remanded by the Judicial Panel on Multidistrict Litigation ("JPML") to the United States District Court for the Eastern District of Pennsylvania, the transferor court, for further proceedings, and it hereby **SUGGESTS** the same to the JPML. See JPML R. 10.1(b)(i).

Dated: July 14, 2011

s/ Richard H. Kyle
RICHARD H. KYLE
United States District Judge